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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY CISNEROS,

Defendant.

CASE NO. 1:22-cr-00329-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: July 12, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on July 12, 2023.
2. By this stipulation, defendant now moves to continue the status conference until October 25, 2023, and to exclude time between July 12, 2023, and October 25, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, several cell phone extractions, photographs, and other evidence. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to meet with his client, conduct
2 independent investigation, review the discovery, and consider a potential pretrial resolution of
3 the case.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) An ends-of-justice delay is particularly apt in this case because although the
9 defendant is detained pending trial, he is also currently serving a state prison sentence.

10 f) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of July 12, 2023 to October 25, 2023,
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results
16 from a continuance granted by the Court at defendant's request on the basis of the Court's
17 finding that the ends of justice served by taking such action outweigh the best interest of the
18 public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

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24 Dated: July 3, 2023

PHILLIP A. TALBERT
United States Attorney

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27 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney
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1 Dated: July 3, 2023

/s/ Mark Coleman

Mark Coleman

Counsel for Defendant

JERRY CISNEROS

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5 **ORDER**

6 IT IS SO ORDERED that the status conference is continued from July 12, 2023, to **October 25,**
7 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
8 U.S.C. § 3161(h)(7)(A), B(iv).

9 IT IS SO ORDERED.

10 Dated: **July 5, 2023**

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE